

1 BILL NO. R-84-09-

19 (as amended)

3 RESOLUTION NO. R-117-84

5 A RESOLUTION FINDING, DETERMINING
6 AND RATIFYING AN INDUCEMENT RESOLUTION
7 OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
8 AUTHORIZING THE ISSUANCE AND SALE OF
9 \$7,000,000.00 ECONOMIC REVENUE BONDS OF THE
10 CITY OF FORT WAYNE, INDIANA,
11 FOR THE PURPOSE OF INDUCING THE APPLICANT,
12 BYRON HEALTH CENTER, BY THE BOARD OF COMMISSIONERS
13 OF THE COUNTY OF ALLEN, OR ITS NOMINEE
14 TO PROCEED WITH THE ACQUISITION
15 CONSTRUCTION AND EQUIPPING OF THE PROJECT.

11 WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is
12 authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue
13 bonds for the financing of economic development facilities, the
14 funds from said financing to be used for the acquisition,
15 construction and equipping of said facilities, and said facilities
16 to be either sold or leased to another person or directly
17 owned by another person; and

18 WHEREAS, Byron Health Center, by the Board of Commissioners
19 of the County of Allen, or its Nominee (the "Applicant") has
20 advised the Fort Wayne Economic Development Commission and the
21 Issuer that it proposes that the Issuer acquire and equip an
22 economic development facility and sell and/or lease the same to
23 the Applicant or loan proceeds of an economic development financing
24 to the Applicant for the same, said economic development
25 facility to be renovation of existing nursing home facilities,
26 construction of replacement nursing home facilities for portions
27 of the Byron Health Center to be razed, and purchase of building
28 improvements, together with debt reserve fund and cost of
29 issuance, to be located at 12101 Lima Road, Allen County, Indiana
30 (the "Project"); and

31 WHEREAS, the diversification of industry and an increase in
32 14 new jobs in the first year, to be achieved by acquisition and

1 construction and equipping of the Project will be of public benefit
2 to the health, safety and general welfare of the Issuer and its
3 citizens; and

4 WHEREAS, having received the advice of the Fort Wayne
5 Economic Development Commission, it would appear that the
6 financing of the Project would be of public benefit to the
7 health, safety and general welfare of the Issuer and its citizens;
8 and

9 WHEREAS, the acquisition and construction of the facility
10 will not have an adverse effect on any similar facility already
11 constructed or operating in or about Fort Wayne, Indiana.

12 NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE
13 CITY OF FORT WAYNE, INDIANA:

14 SECTION 1. The Common Council finds, determines, ratifies
15 and confirms the promotion of diversification of economic
16 development and job opportunities in and near Fort Wayne, Indiana
17 and in Allen County, is desirable to preserve the health, safety
18 and general welfare of the citizens of the Issuer; and that it
19 is in the public interest that Fort Wayne Economic Development
20 Commission and said Issuer take such action as it lawfully may
21 to encourage diversification of industry and promotion of job
22 opportunities in and near said Issuer.

23 SECTION 2. The Economic Development Commission in recom-
24 mending the project, found specifically that the project will
25 not have an adverse competitive effect on similar facilities
26 already constructed or operating in Allen County, Indiana, and
27 the Common Council has also held a hearing and specifically finds
28 that the project will not have an adverse competitive effect on
29 similar facilities already constructed or operating in Allen
30 County, Indiana.

31 SECTION 3. The Common Council further finds, determines,
32 ratifies and confirms that the issuance and sale of revenue

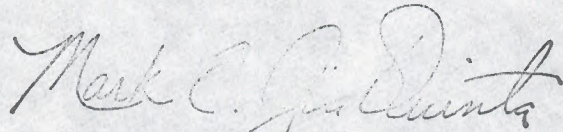
1 bonds in an amount not to exceed \$7,000,000.00 of the Issuer
2 under the Act for the acquisition, construction and equipping of
3 the Project and the sale or leasing of such a financing to the
4 Applicant for such purposes will serve the public purpose
5 referred to above, in accordance with the Act.

6 SECTION 4. In order to induce the Applicant to proceed
7 with the acquisition, construction and equipping of the Project,
8 the Common Council hereby finds, determines, ratifies and con-
9 firms that (i) it will take or cause to be taken such actions
10 pursuant to the Act as may be required to implement the afore-
11 said financing, or as it may deem appropriate in pursuance
12 thereof, provided that all of the foregoing shall be mutually
13 acceptable to the Issuer and the Applicant; and (ii) it will
14 adopt such ordinances and resolutions and authorize the execu-
15 tion and delivery of such instruments and the taking of such
16 action as may be necessary and advisable for the authorization,
17 issuance and sale of said economic development bonds.

18 SECTION 5. All costs of the Project incurred after the
19 passage of this Inducement Resolution, including disbursement or
20 repayment of the Applicant of monies expended by the Applicant
21 for planning, engineering, interest paid during construction,
22 underwriting expenses, attorney and bond counsel fees, acquisi-
23 tion, construction and equipping of the Project will be per-
24 mitted to be included as part of the bond issue to finance said
25 Project, and the Issuer will thereafter either sell or lease the
26 same to the Applicant or loan the proceeds of such financing to
27 the Applicant for the same purposes.

28
29 SECTION 6. The Byron Health Center EDC Inducement
30 Resolution is conditioned upon the closing of the EDC bonds on
31 or before December 31, 1984, provided, however, that the
32

Byron Health Center, or its nominee, shall not be precluded from applying for a new EDC Inducement Resolution in 1985 or thereafter should the closing under this Inducement Resolution not occur on or before December 31, 1984.



Council member

Read the first time in full and on motion by Bill Jantz, seconded by John Davis, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.

DATE: 9-25-84 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bill Jantz, seconded by John Davis, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>8</u>	<u>0</u>	<u>1</u>		
BRADBURY	<u>✓</u>				
BURNS	<u>✓</u>				
EISBART	<u>✓</u>				
GiaQUINTA	<u>✓</u>				
HENRY	<u>✓</u>				
REDD			<u>✓</u>		
SCHMIDT	<u>✓</u>				
STIER	<u>✓</u>				
TALARICO	<u>✓</u>				

DATE: 10-9-84 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~) (~~SPECIAL~~) (~~ZONING MAP~~) ~~ORDINANCE~~ (RESOLUTION) NO. R-117-84 on the 9th day of October, 1984,

ATTEST: (SEAL)
Sandra E. Kennedy Ray A. Ebert
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1984, at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 10th day of October, 1984, at the hour of 2:00 o'clock P. M., E.S.T.
Win Moses, Jr.
WIN MOSES, JR., MAYOR

RICHARD I. SNOUFFER
ROBERT W. HALLER
SHERRILL WM. COLVIN
STEPHEN E. LEWIS
VINCENT J. HEINY
JOHN O. FEIGHNER
PERRY D. SHILTS
DAVID C. LONG

SNOUFFER, HALLER & COLVIN
ATTORNEYS AT LAW
2000 FORT WAYNE BANK BLDG.
FORT WAYNE, INDIANA 46802

TELEPHONE
219-424-2000

October 4, 1984

Stanley R. Levine, Esq.
Levine and Lerch
1111 Commerce Building
Fort Wayne, Indiana 46802

RE: Byron Health Center Inducement Resolution
Pending Before Common Council of the City of Fort Wayne

Dear Mr. Levine:

Following the October 2, 1984 Finance Committee meeting of the Common Council of the City of Fort Wayne, which considered the application of the Byron Health Center, or its nominee, for an Inducement Resolution for EDC bonds, I have had an opportunity to review the status of this matter with the Building Committee of the Byron Health Center and bond counsel.

The Byron Health Center believes that the proposed renovation and construction project at the Byron Health Center will be a tremendous benefit to the community. On behalf of the Byron Health Center I request that the Inducement Resolution for EDC bonds be approved at the October 9, 1984 meeting of the Common Council of the City of Fort Wayne.

All parties involved in this project are reasonably confident that the EDC bonds can be closed on or before December 31, 1984.

In response to the questions from Councilman Eisbart, and other members of the Council, should the Common Council vote to restrict the Byron Health Center EDC Inducement Resolution to require a closing on or before December 31, 1984, then, the amendment should be drafted to include the following provision.

"The Byron Health Center EDC Inducement Resolution is conditioned upon the closing of the EDC bonds on or before December 31, 1984, provided, however, that the Byron Health Center, or its nominee, shall not be precluded from applying for a new EDC Inducement Resolution in 1985 or thereafter should the closing under this Inducement Resolution not occur on or before December 31, 1984."

*Amendment to
Bill No - R-84-08-19
Passed by Common Council
Oct. 9, 1984.*

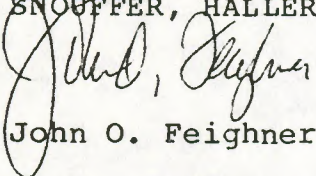
Stanley A. Levine, Esq.
October 4, 1984
Page Two

Thank you for your cooperation in resolving this legal issue.

As I mentioned to you, I will be out of town and will not be able to attend the meeting of the Common Council.

Sincerely yours,

SNOUFFER, HALLER & COLVIN



John O. Feighner

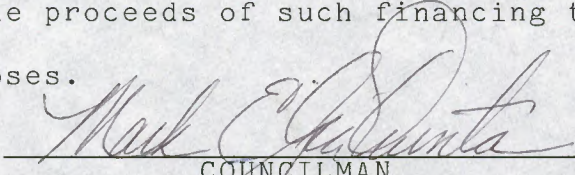
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cc: Mr. Tom Katsanis
Paul Seitz, Building Committee Chairman
Mr. ~~John W. Erwin~~ Esq.
Mr. James Shanahan
Mr. Patrick Michaels

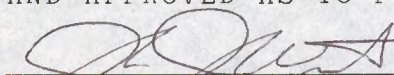
1 bonds in an amount not to exceed \$7,000,000.00 of the Issuer
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3 the Project and the sale or leasing of such a financing to the
4 Applicant for such purposes will serve the public purpose
5 referred to above, in accordance with the Act.

6 SECTION 4. In order to induce the Applicant to proceed
7 with the acquisition, construction and equipping of the Project,
8 the Common Council hereby finds, determines, ratifies and con-
9 firms that (i) it will take or cause to be taken such actions
10 pursuant to the Act as may be required to implement the afore-
11 said financing, or as it may deem appropriate in pursuance
12 thereof, provided that all of the foregoing shall be mutually
13 acceptable to the Issuer and the Applicant; and (ii) it will
14 adopt such ordinances and resolutions and authorize the execu-
15 tion and delivery of such instruments and the taking of such
16 action as may be necessary and advisable for the authorization,
17 issuance and sale of said economic development bonds.


18 SECTION 5. All costs of the Project incurred after the
19 passage of this Inducement Resolution, including disbursement or
20 repayment of the Applicant of monies expended by the Applicant
21 for planning, engineering, interest paid during construction,
22 underwriting expenses, attorney and bond counsel fees, acquisi-
23 tion, construction and equipping of the Project will be per-
24 mitted to be included as part of the bond issue to finance said
25 Project, and the Issuer will thereafter either sell or lease the
26 same to the Applicant or loan the proceeds of such financing to
27 the Applicant for the same purposes.

28 
COUNCILMAN

29 ADOPTED BY ECONOMIC DEVELOPMENT COMMISSION
30 AND APPROVED AS TO FORM.

31 
32 John J. Wernet, Attorney for the
Economic Development Commission
Dated this 24th day of September, 1984

APPROVED AS TO FORM AND LEGALITY.


Bruce O. Boxberger, City Attorney
Dated this 24th day of September, 1984

BILL NO. R-84-09-19

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN
~~ORDINANCE~~ A RESOLUTION FINDING, DETERMINING AND RATIFYING AN
INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
AUTHORIZING THE ISSUANCE AND SALE OF \$7,000,000.00 ECONOMIC REVENUE
BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING
THE APPLICANT, BYRON HEALTH CENTER, BY THE BOARD OF COMMISSIONERS
OF THE COUNTY OF ALLEN, OR ITS NOMINEE TO PROCEED WITH THE ACQUISITION
CONSTRUCTION AND EQUIPPING OF THE PROJECT

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

MARK E. GIAQUINTA, CHAIRMAN

JAMES S. STIER, VICE CHAIRMAN

JANET G. BRADBURY

THOMAS C. HENRY

DONALD J. SCHMIDT

Mark E. Giaquinta

James S. Stier

Thomas C. Henry

CONCURRED IN 10-9-84
SANDRA E. KENNEDY, CITY CLERK